



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,426	04/03/2001	Jesper Kristoffer Larsen	LARSEN1	5642

7590 08/24/2005

Browdy & Neimark  
 Suite 300  
 419 Seventh Street NW  
 Washington, DC 20004

EXAMINER
----------

PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
----------	--------------

3643

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/623,426

Applicant(s)

LARSEN, JESPER KRISTOFFER

Examiner

Thomas Price

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06-09-2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-70 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

***Response to Arguments***

Although the Applicant seems to improperly and partially argue the outstanding restriction under Rule 371 based on U.S. practice, despite this, the lack of unity is withdrawn. However, the following lack of unity is applicable. As per Applicant's arguments, the Examiner has provided a detailed listing and explanation of the lack of unity of invention applied herebelow. A full response to the applicant's arguments will be forthcoming upon the election from the listed groups of inventions for further prosecution at this time.

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I-A, paragraph a-d, claim(s) 1-47, drawn to a breeding system.  
Group I-B, paragraph a-d, and e, claims 1-47, drawn to a breeding system.  
Group I-C, paragraph a-d, and f, claims 1-47, drawn to a breeding system.  
Group I-D, paragraph a-d, and g, claims 1-47, drawn to a breeding system.  
Group I-E, paragraph a-d, e and f, claims 1-47, drawn to a breeding system.  
Group I-F, paragraph a-d, e and g, claims 1-47, drawn to a breeding system.  
Group I-G, paragraph a-d, f and g, claims 1-47, drawn to a breeding system.

Group II, claim(s) 1, 48-57 and 67-70, drawn to an arrangement.

Group III, claim(s) 1 and 58-66, drawn to a method of use in a breeding system.

NOTE TO APPLICANT:

Art Unit: 3643

Claim 1, contains multiple references to the term "optionally", and as such, claim 1 has a plurality of independent claims within the single claim. Further, the Examiner designated the last line "optionally connected to a waste treatment plant" as paragraph g.

Groups II and III cannot be designated as dependent claims of claim 1, because "a claim to one part referring to another cooperating part, for example, "plug for cooperation with the socket of Claim 1..." is NOT a dependent claim. Even though, claims 48 and 58 are dependent on claim 1, under PCT RULE 13, these claims are not dependent, and therefore, are considered to be independent claims under PCT RULE 13. See MPEP 1850 DETERMINATION OF "UNITY OF INVENTION".

If the common matter of the independent claims is well known and the remaining subject matter of each claim differs from that of the others without there being any unifying novel inventive concept common to all, then clearly there is a lack of unity of invention. See MPEP 1850 DETERMINATION OF "UNITY OF INVENTION". Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims.

The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

There is lack of unity under PCT Rule 13 because there is no "special technical" feature common to all of the Groups which defines the contribution which each of the inventions makes over the prior art. In the present case, there is no common "special technical feature" because the general inventive concept set forth, for example, the claim language of claims 1, paragraphs a)-d), and claims 2, 4, 6, 23, 48 and 58 do not define over the teachings of the prior art set forth in the specification and claims (e.g. U.S. Patent 5,771,837 to van der Lely) "a posteriori" and the known teachings in the prior art "a priori".

As a result, this application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Species 1, as claimed in claims 1, 2 and 41.

Species 2, as claimed in claims 1, 2 and 46.

Species 3, as claimed in claims 1 and 3.

Species 4, as claimed in claims 1, 4 and 5.

Species 5, as claimed in claims 1, 4 and 14.

Species 6, as claimed in claims 1, 4 and 27.

Species 7, as claimed in claims 1, 6, 7 and 30.

Species 8, as claimed in claims 1, 6 and 8.

Species 9, as claimed in claims 1, 6 and 12.

Species 10, as claimed in claims 1, 6 and 13.

Species 11, as claimed in claims 1, 6 and 31.

Species 12, as claimed in claims 1, 6 and 32.

Species 13, as claimed in claims 1 and 9.

Species 14, as claimed in claims 1, 10 and 11.

Species 15, as claimed in claims 1, 15 and 16.

Species 16 as claimed in claims 1 and 17.

Species 17, as claimed in claims 1 and 18.

Species 18, as claimed in claims 1 and 19-21.

Species 19, as claimed in claims 1 and 22.

Species 20, as claimed in claims 1, 23 and 24.

Species 21, as claimed in claims 1, 23 and 25.

Species 22, as claimed in claims 1, 23 and 26.

Species 23, as claimed in claims 1 and 28.

Species 24, as claimed in claims 1 and 29.

Species 25, as claimed in claims 1 and 33.

Species 26, as claimed in claims 1, 34 and 35.

Species 27, as claimed in claims 1, 36 and 37.

Species 28, as claimed in claims 1 and 42.

Species 29, as claimed in claims 1 and 43.

Species 30, as claimed in claims 1 and 44.

Species 31, as claimed in claims 1 and 45.

Species 32, as claimed in claims 1 and 47.

Species 33, as claimed in claims 1, 48-52 and 55.

Species 34, as claimed in claims 1, 48, 67, 68 and 70.

Species 35, as claimed in claims 1, 48, 53 and 54.

Species 36, as claimed in claims 1, 48 and 56.

Species 37, as claimed in claims 1, 48 and 57.

Species 38, as claimed in claims 1, 58, 60, 61 and 64.

Species 39, as claimed in claims 1, 58 and 59.

Species 40, as claimed in claims 1, 58 and 62.

Species 41, as claimed in claims 1, 58 and 63.

Species 42, as claimed in claims 1, 58 and 65.

The Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claims is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims

subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

The claims are deemed to correspond to the species listed above in the following manner:

Species 1 directed to a breeding system and slaughtering facilities.

Species 2 directed to a breeding system and a fenced in area of no less than 10 square meter per animal.

Species 3 directed to a breeding system and a means for automatically identifying each of the animals.

Species 4 directed to a breeding system and a means for separation and isolation integrated with the feeding means.

Species 5 directed to a breeding system and a means for feeding the animal by use of a transponder feeder.

Species 6 directed to a breeding system and a means for automatically separating and or isolating an identified animal from one or more of the other animals.

Species 7 directed to a breeding system and a movable hut provided with isolated shelter walls.

Art Unit: 3643

Species 8 directed to a breeding system and a hut which is substantially enclosed.

Species 9 directed to a breeding system and a farrowing hut with at least one sow retainer and at least one piglet shelter.

Species 10 directed to a breeding system and a hut divided into at least two parts and a means for separating.

Species 11 directed to a breeding system and a hut having a means for ventilation.

Species 12 directed to a breeding system and a hut placed directly on the ground.

Species 13 directed to a breeding system and a hut adapted according to the sex, age and number of animals.

Species 14 directed to a breeding system and pigs of at least an age of 28 days.

Species 15 directed to a breeding system and a means for identifying an individual animal using a mark or label having information which is automatically registered by the registration unit.

Species 16 directed to a breeding system and a means for automatically identifying an individual animal fastened on the animal's ear.

Species 17 directed to a breeding system and a registration unit activated by the presence of the animal.

Species 18 directed to a breeding system and a means for controlled feeding of the animal is electronically connected with the means for automatically identifying the animal.

Species 19 directed to a breeding system and a means for recognizing whether the animal is provided with a specific amount of feed with a predetermined period of time.



Art Unit: 3643

Species 20 directed to a breeding system and a means for directing the animal toward one of the outlet doors.

Species 21 directed to a breeding system and means for directing the animal toward one of the outlet doors is driven automatically.

Species 22 directed to a breeding system and a means for directing the animal toward one of the outlet doors based on one or more information concerning the animal.

Species 23 directed to a breeding system and a means for measuring the weight of the animal.

Species 24 directed to a breeding system and a means for registering any possible medical or other treatment.

Species 25 directed to a breeding system and animals which are sheep.

Species 26 directed to a breeding system and a mud hole designed so that the animals are able to enter and leave.

Species 27 directed to a breeding system and a mud hole connected to a waste water treatment system.

Species 28 directed to a breeding system and facilities for slaughtering the animals positioned at a distance to the place where the animals are living.

Species 29 directed to a breeding system and facilities for slaughtering include means for collecting the waste from the slaughtering facilities.

Species 30 directed to a breeding system and a means for detecting and selecting an animal ready for slaughter.

Species 31 directed to a breeding system having between 25 to 100 animals.

Species 32 directed to a breeding system and a mud hole substantially isolated at a lower part from the natural environment.

Species 33 directed to a breeding system and a means for performing a unique identification of each animal of the herd.

Species 34 directed to a breeding system and identifying one of the porkers and transmitting the identification to a control unit.

Species 35 directed to a breeding system and a plurality of enclosures are arranged on a platform and further including a means for rotating the platform.

Species 36 directed to a breeding system and means for adjusting the amount of feed supplied to the animal according to temperature.

Species 37 directed to a breeding system and a herd of animals comprising porkers.

Species 38 directed to a breeding system and determining at least one characteristic of each identified porker.

Species 39 directed to a breeding system and reading the identification code of the transponder on one of the porkers with a transceiver.

Species 40 directed to a breeding system and adjusting the amount of feed fed to each porker adjusted for air temperature and wind speed.

Species 41 directed to a breeding system and activating a separation means by means of the control unit so as to separate said porker into a separation enclosure.

Species 42 directed to a breeding system and a control unit that is temporarily connected via a data communication network to a remote surveillance system.

The following claims(s) are generic: 1

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The species are not linked by a special feature unknown in or unobvious over the prior art at the time that the invention was made. In other words, each species includes a special technical feature denoted above which is not claimed in any of the other species.

Furthermore, to properly search and examine all of the disclosed and claimed species of the invention would place an unacceptable burden on the examiner.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed(37 CFR 1.143).

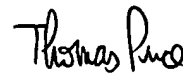
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 571-272-6892. The examiner can normally be reached on M-F from 6:30a.m. to 3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is <sup>571-273-8300</sup>~~703-872-9306~~.

Rtp

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas Price  
Primary Examiner GAU: 3643

rtp